

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 FABIAN MARTINEZ, a.k.a. Favian Montes,)
)
 Defendant.)

2:11-CR-013-RLH (RJJ)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on June 21, 2011, defendant FABIAN MARTINEZ pled guilty to Count One of a Two-Count Criminal Indictment charging him in Count One with Felon in Possession of a Firearm in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). Docket #1, #24.

This Court finds defendant FABIAN MARTINEZ agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment and in the Plea Memorandum. #1, #24.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and in the Plea Memorandum and the offense to which defendant FABIAN MARTINEZ pled guilty. #1, #24, #25.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

...

- 1 1. one (1) Jericho 9mm semi-automatic handgun with serial number 004083; and,
- 2 2. any and all ammunition ("property").

3 This Court finds the United States of America is now entitled to, and should, reduce the
4 aforementioned property to the possession of the United States of America.

5 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
6 United States of America should seize the aforementioned property.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
8 FABIAN MARTINEZ in the aforementioned property is forfeited and is vested in the United States
9 of America and shall be safely held by the United States of America until further order of the Court.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
11 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
12 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
13 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
14 the name and contact information for the government attorney to be served with the petition, pursuant
15 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
17 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
19 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
20 following address at the time of filing:

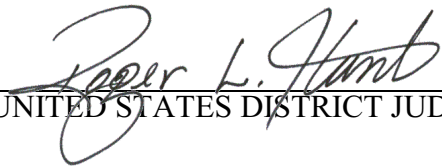
21 Michael A. Humphreys
22 Assistant United States Attorney
23 Daniel D. Hollingsworth
24 Assistant United States Attorney
25 Lloyd D. George United States Courthouse
26 333 Las Vegas Boulevard South, Suite 5000
 Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 23rd day of June, 2011.

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9 UNITED STATES DISTRICT JUDGE
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